

Matthew Franklin Jaksa (CA State Bar No. 248072)
HOLME ROBERTS & OWEN LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105-2994
Telephone: (415) 268-2000
Facsimile: (415) 268-1999
Email: matt.jaksa@hro.com

Attorneys for Plaintiffs,
WARNER BROS. RECORDS INC.;
VIRGIN RECORDS AMERICA, INC.;
BMG MUSIC; MAVERICK
RECORDINGS COMPANY;
INTERSCOPE RECORDS; SONY BMG
MUSIC ENTERTAINMENT; and ARISTA
RECORDS LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WARNER BROS. RECORDS INC., a Delaware
corporation; VIRGIN RECORDS AMERICA,
INC., a California corporation; BMG MUSIC, a
New York general partnership; MAVERICK
RECORDINGS COMPANY, a California joint
venture; INTERSCOPE RECORDS, a California
general partnership; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; and ARISTA RECORDS LLC, a
Delaware limited liability company,
Plaintiffs,

v.

JOHN DOE,
Defendant.

CASE NO. 3:07-CV-03094-JCS

Honorable Joseph C. Spero

***EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER***

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for December 21, 2007, at 1:30 p.m. to March 21, 2008.

3 Plaintiffs filed the Complaint against Defendant on June 13, 2007. Also on June 13, 2007,
4 Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery seeking the
5 Court's permission to serve a Rule 45 subpoena on University of California, Berkeley ("UC
6 Berkeley"), so that Plaintiffs could obtain information sufficient to identify Defendant. On June 26,
7 2007, this Court issued its Order Granting Plaintiffs' *Ex Parte* Application for Leave to Take
8 Immediate Discovery authorizing Plaintiffs to serve a Rule 45 subpoena on UC Berkeley. UC
9 Berkeley responded to Plaintiffs' subpoena, providing Plaintiffs with identifying information
10 including Defendant's name and contact information.

11 Since that time, Plaintiffs and Defendant have been in contact, and have discussed settlement
12 options. If the parties reach a settlement, Plaintiffs will promptly file dispositional documents with
13 the Court. If the parties do not settle, Plaintiffs will file an amended complaint naming Defendant
14 personally. However, Plaintiffs have agreed not to file an amended complaint until January 7, 2008,
15 to allow Defendant additional time to assess Plaintiffs' claims.

16 Given the foregoing circumstances, a case management conference is unnecessary at this
17 time. Plaintiffs therefore request that the Court continue the case management conference currently
18 set for December 21, 2007, at 1:30 p.m. to March 21, 2008.

19 Dated: December 6, 2007

HOLME ROBERTS & OWEN LLP

20
21 By: /s/ Matthew Franklin Jaksa
22 MATTHEW FRANKLIN JAKSA
23 Attorney for Plaintiffs
24 WARNER BROS. RECORDS INC.;
25 VIRGIN RECORDS AMERICA, INC.;
26 BMG MUSIC; MAVERICK
27 RECORDINGS COMPANY;
28 INTERSCOPE RECORDS; SONY BMG
MUSIC ENTERTAINMENT; and
ARISTA RECORDS LLC

ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for December 21, 2007, at 1:30 p.m. be continued to March 21, 2008., at 1:30 p.m.

Dated: Dec. 7, 2007

By: _____

